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1 **ORIGINAL EXCEPTION**

2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 **COMMISSIONERS**

4 **KRISTIN K. MAYES, Chairman**
 5 **GARY PIERCE**
 6 **PAUL NEWMAN**
 7 **SANDRA D. KENNEDY**
 8 **BOB STUMP**

Arizona Corporation Commission

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9 IN THE MATTER OF THE JOINT)
 10 APPLICATION OF TIERRA LINDA) DOCKET NOS. W-20689A-09-0327
 11 HOMEOWNERS ASSOCIATION, INC. AND) and W-04236A-09-0327
 12 GARY SMYTH FOR AUTHORIZATION TO)
 13 SELL WATER SYSTEM ASSETS AND) "EXCEPTION" TO RECOMMENDED
 14 TRANSFER CERTIFICATE OF) OPINION AND ORDER
 15 CONVENIENCE AND NECESSITY)

16 Pursuant to A.A.C. R14-3-110(B) and the Commission Executive Director's November
 17 4, 2010 transmittal communication, Tierra Linda Homeowners Association, Inc. and Gary Smyth
 18 ("Joint Applicants") hereby submit their limited "Exception" to the Recommended Opinion and
 19 Order ("ROO") issued on November 4, 2010 in the above-captioned and above-docketed
 20 proceedings.

21 More specifically, the Joint Applicants request that the ROO be amended at Finding of
 22 Fact No. 34 by adding the words "and transfer of CC&N" immediately following the word assets
 23 as that word currently appears in Finding of Fact No. 34. The transfer of the CC&N to Gary
 24 Smyth as a part of the contemplated transaction is critical to Mr. Smyth's ability to own and
 25 operate the water system assets in question. In addition, the aforementioned suggested language
 26 addition to Finding of Fact No. 34 would conform the same conceptually to that which is
 27 contemplated by Finding of Fact No. 2 and the First Ordering Paragraph of the ROO.
 28

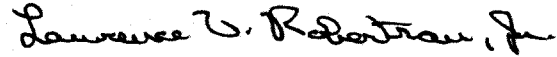
LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

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P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

1 In connection with the foregoing, the Joint Applicants believe that their proposed
2 supplemental language to the ROO could be the subject of an amendment to the ROO initiated
3 by the Commission's Hearing Division.
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5 Dated this 9th of November 2010.

Respectfully submitted,



Lawrence V. Robertson, Jr.
Attorney for Tierra Linda Homeowners
Association, Inc. and Gary Smyth

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10 The original and thirteen (13) copies of
11 the foregoing "Exception" will be filed
on the 9th day of November 2010 with:

12 Docket Control
13 Arizona Corporation Commission
1200 West Washington Street
14 Phoenix, Arizona 85007

15 A copy of the "Exception" will also be
16 Mailed or emailed this same date to:

17 Hon. Belinda Martin
18 Arizona Corporation Commission
400 West Congress, Suite 218
19 Tucson, Arizona 85701

20 Janice Alward, Chief Counsel
21 Legal Division
22 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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